

Date: March 6, 2002

Page 1

**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 USC 371**

International Application No.: PCT/NZ01/00188  
International Filing Date: September 11, 2001  
Priority Date Claimed: June 17, 1998 (NZ Patent Application No. 330710)  
Title of Invention: IMPROVED BIOACTIVE WHEY PROTEIN HYDROLYSATE  
Applicant(s) for DO/EO/US: Ralf-Christian Schlothauer  
Linda May Schollum  
Julian Robert Reid  
Stephanie Adele Harvey  
Alistair James Carr  
Rachel Lois Fanshawe

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. (X) This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. ( ) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3. (X) This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 39(1).
4. (X) A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. (X) A copy of the International Application as filed (35 USC 371(c)(2))
  - a) (X) is transmitted herewith (required only if not transmitted by the International Bureau).
  - b) ( ) has been transmitted by the International Bureau.
  - c) ( ) is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ( ) A translation of the International Application into English (35 USC 371(c)(2)).
7. ( ) Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))
  - a) ( ) are transmitted herewith (required only if not transmitted by the International Bureau).
  - b) ( ) have been transmitted by the International Bureau.
  - c) ( ) have not been made; however, the time limit for making such amendments has NOT expired.
  - d) ( ) have not been made and will not be made.
8. ( ) A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).
9. ( ) An oath or declaration of the inventor(s) (35 USC 371(c)(4)).
10. ( ) A copy of the International Preliminary Examination Report with any annexes thereto, such as any amendments made under PCT Article 34.

U.S. Application No.  
Unknown

International Application No.  
PCT/NZ01/00188

10/070406  
JC13 Rec'd PCT/PTC 06 MAR 2002  
Attorney Docket No.  
DAIRY71.001APC

Date: March 6, 2002

Page 2

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11. ☐ A translation of the annexes, such as any amendments made under PCT Article 34, to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

**Items 12. to 27. below concern other document(s) or information included:**

12. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
13. ☒ A copy of an assignment document.
14. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☒ Drawings in 2 pages
16. ☒ A power of attorney and/or address letter.
17. ☐ International Application as published.
18. ☐ Small Entity Statement.
19. ☐ PCT Form PCT/IPEA/408. (Written Opinion).
20. ☒ International Search Report. PCT Form PCT/IB/301.
21. ☒ PCT request form.
22. ☒ Other Items or information: Certificate of Mailing by Express Mail
23. ☒ A return prepaid postcard.
24. ☒ The following fees are submitted:

U.S. Application No.  
Unknown

International Application No.  
PCT/NZ01/00188

10/070406  
JC13 Rec'd PCT/PTC 08 MAR 2002  
Attorney Docket No.  
DAIRY71.001APC

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Page 3

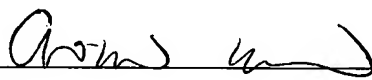
				FEES
BASIC FEE				\$100
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	198 - 20 =	178×	\$18	\$3,204
Independent Claims	3- 3 =	0×	\$84	\$0
Multiple dependent claims(s) (if applicable)			\$280	\$280
TOTAL OF ABOVE CALCULATIONS				\$3,584
Reduction by 1/2 for filing by small entity (if applicable). Verified Small Entity statement must also be filed. (NOTE 37 CFR 1.9, 1.27, 1.28)				\$0
TOTAL NATIONAL FEE				\$3,584
TOTAL FEES ENCLOSED				\$3,584
amount to be refunded:				\$0
amount to be charged:				\$0

25. (X) The fee for later submission of the signed oath or declaration set forth in 37 CFR 1.492(e) will be paid upon submission of the declaration.
26. (X) A check in the amount of \$3,584 to cover the above fees is enclosed.
27. (X) The Commissioner is hereby authorized to charge only those additional fees which may be required, now or in the future, to avoid abandonment of the application, or credit any overpayment to Deposit Account No. 11-1410.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

KNOBBE, MARTENS, OLSON & BEAR, LLP  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660

  
Signature

Ginger R. Dreger  
Printed Name

33,055  
Registration Number

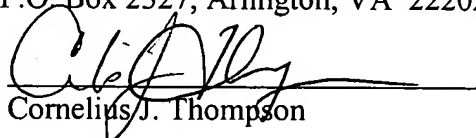
BOX PCT  
United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

**Attorney Docket No.** : DAIRY71.001APC  
**Applicant(s)** : Schlothauer et al.  
**For** : IMPROVED BIOACTIVE WHEY PROTEIN  
HYDROLYSATE  
**Attorney** : Ginger R. Dreger  
**"Express Mail"**  
**Mailing Label No.** : EL908011984US  
**Date of Deposit** : March 6, 2002

I hereby certify that the accompanying  
Transmittal; a copy of the International Application as filed; a copy of the International  
International Search Report Form PCT/IB/301; 2 sheets of drawings; PCT Request form;  
Copy of Deed of Assignment; Change of Address; Check for Filing Fee; Return Prepaid  
Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to  
Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the  
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Cornelius J. Thompson

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DAIRY71.001APC

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Schlothauer, et al.

App. No. : Unknown (based on PCT  
Application No. PCT/NZ01/00188)

Filed : Herewith

For : IMPROVED BIOACTIVE WHEY  
PROTEIN HYDROLYSATE

Examiner : Unknown

) Group Art Unit: Unknown

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I hereby certify that this correspondence and all  
marked attachments are being deposited with the  
United States Postal Service as first-class mail in an  
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Patent and Trademark Office, P.O. Box 2327  
Arlington, VA 22202, on

March 6, 2002

(Date)

Ginger R. Dreger, Reg. No. 33,055

CHANGE OF ADDRESS

BOX PCT  
United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

The attorneys of the law firm of Knobbe, Martens, Olson & Bear, **Customer No. 20,995**,  
have been appointed to prosecute the above-identified application and take all actions respecting  
the same. **Please use Customer No. 20,995** for all communications.

Please also send all communications to the following address:

GINGER R. DREGER  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660  
(415) 954-4114


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Please charge the new firm's deposit account number 11-1410, for any fees which may be due or outstanding in connection with this case.

Respectfully submitted,

Dated: March 6, 2002

By:   
Ginger R. Dreger  
Registration No. 33,055

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